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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,201	02/11/2004	Tonny Chen	BHT-3204-64	1639
7590 BRUCE H. TROXELL SUITE 1404 5205 LEESBURG PIKE FALLS CHURCH, VA 22041			EXAMINER BAXTER, GWENDOLYN WRENN	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 07/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/775,201	Applicant(s) CHEN, TONNY	
	Examiner Gwendolyn Baxter	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 14, 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

This is the first Office action for application serial number 10/775,201,
Mechanical Liquid Crystal Display Device filed February 11, 2004.

Claim Objections

Claims 14 and 16 are objected to because of the following informalities: claim 14, line 2, "reed" should read –reel-. A similar problem occurs in claim 16 at line 2. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US2002/0101117 to Shibuya. The present invention reads on Shibuya as follows: Shibuya discloses a mechanical liquid crystal display device (see Figs. 1-3) comprising a case (11), an extendable deck (23), a coupling mechanism (22), a display panel holding mechanism (10) and a folding adjustment means (31). The case is hollow and has a window (6) and a first channeling mechanism (23b) and a second channeling mechanism (23b) located respectively on two sides corresponding to each other to guide the extendable deck to retract inward or extend outwards at desired locations (see Figs. 5-8). The extendable deck (23) has a front side pivotally engaged with the

display panel holding mechanism (i.e., at 23c) and is coupled with the first channeling mechanism and the second channeling mechanism for positioning. The coupling mechanism (22) is located on one side of the extendable deck to control folding, latching and releasing of the display panel holding mechanism (see Fig. 3 and paragraph 0068). The display panel holding mechanism (10) has a panel to hold a LCD panel (10a). The folding adjustment means (31) is located in the display panel holding mechanism (i.e., at 31 a) and connected to the extendable deck (i.e., groove 33) and has a folding actuation assembly (33b) to guide the display panel holding mechanism for folding and storing (see Figs. 3, 8 and 9). The LCD panel is foldable and storable in the case. The folding adjustment means (31) further includes an angle adjustment assembly (32) to adjust and remember a turning elevation angle of the display panel holding mechanism (see Fig. 10). The coupling mechanism (22) includes a partition (34c), a first hub (43a) and a second hub (41). See fig. 3 and the corresponding specification. The partition (34c) is located above the extendable deck (see Fig. 3) having a torsional spring housing zone (not numbered) and the notch (lower portion of 34c) one side and two axle-holding docks extended from two ends thereof (32 and 35, respectively) adjacent to the notch. See Fig. 3 and the corresponding specification.

However, Shibuya fails to teach the downward orientation of the folding adjustment means and the downward direction of the folding actuation assembly. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified liquid crystal display device as taught by Shibuya to have mounted the device in the reverse or upside down, since it has been held that a

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mere reversal of the essential working parts of a device involves only routine skill in the art.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1- 16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 7,088,589 to Chen. Although the conflicting claims are not identical, they are not patentably distinct from each other because a reading of the instant claims clearly indicates that the subject matter thereof is fully disclosed by the claims of the patent and/or that portion of the patent disclosure, which provides support for such claims. Therefore, it is self-evident that the instant claims are nothing more than obvious variations of the invention disclose

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and claimed in the patent and cannot properly issue in the absence of a terminal disclaimer.

Conclusion

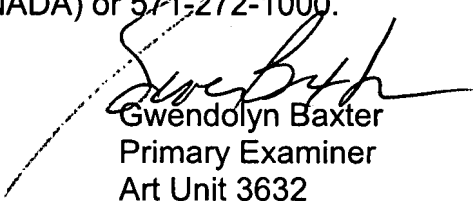
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawasaki 6,012,785; and Chen US 2005/0254202 teach a liquid display device, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:30am - 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gwendolyn Baxter
Primary Examiner
Art Unit 3632

June 24, 2007